

SUMTER COUNTY BOARD OF COMMISSIONERS
EXECUTIVE SUMMARY

SUBJECT: *R2009-0018 - Rezoning to RR1C - Daniel & Kathleen Button - CR 317B/Bushnell

REQUESTED ACTION: Approve rezoning R2009-0018

☐ Work Session (Report Only) **DATE OF MEETING:** 10/13/2009
☒ Regular Meeting ☐ Special Meeting

CONTRACT: ☒ N/A Vendor/Entity: _____
Effective Date: _____ Termination Date: _____
Managing Division / Dept: Planning

BUDGET IMPACT: _____
☐ Annual **FUNDING SOURCE:** _____
☐ Capital **EXPENDITURE ACCOUNT:** _____
☒ N/A

HISTORY/FACTS/ISSUES:

The applicant is requesting rezoning on 2 acres MOL from a non-compliant A5 to RR1C to complete a lineal transfer from grandparents to grandchild.

ZAB cases:

- 1) James Ike Rainey - R2009-0017
 - 2) Daniel & Kathleen Button - R2009-0018*****
-

SUMTER COUNTY ZONING AND ADJUSTMENT BOARD
September 21, 2009

BOARD OF SUMTER COUNTY COMMISSIONERS
October 13, 2009

CASE NO.	R2009-0018
APPLICANT:	Daniel & Kathleen Button
REPRESENTATIVE:	N/A
REQUESTED ACTION:	Rezone 2 acres MOL from a non-compliant A5 to RR1C to complete a lineal transfer.
EXISTING ZONING:	Non-compliant A5
FUTURE LAND USE:	Agricultural
EXISTING USE:	Vacant
PARCEL SIZE:	2 acres MOL
GENERAL LOCATION:	Bushnell
<u>SURROUNDING LAND USE:</u>	<u>SURROUNDING ZONING:</u>
NORTH: Agricultural	NORTH: A5 = mobile home
SOUTH: Agricultural	SOUTH: RR5 = mobile home
EAST: Agricultural	EAST: RR1 = residence
WEST: Agricultural	WEST: A5 = mobile home
COMMISSIONER'S DISTRICT:	Garry Breeden

CASE SUMMARY:

The subject property is located on a private easement 4/10 of a mile north of CR 317B, in the unincorporated Bushnell area of Sumter County.

The subject property is approximately 2 acres with a width of approximately 663 feet and depth of approximately 135 feet.

CASE ANALYSIS:

The general character of the area surrounding and within the local vicinity of the subject property is residential with residences and mobile homes.

The applicant originally supplied a deed dated, 08/04/2009, OR 2103, Pg 604. Staffs review of the deed and survey found the easement to access the lineal transfer parcel did not meet the minimum requirements (30 feet as compared to 50 foot required.) Staff notified the applicant of the discrepancy on 9/11/09. The applicant recorded a corrective deed on 9/18/2009, OR 2117, P 671 that provides the required 50 foot easement.

DIVISION OF PLANNING & DEVELOPMENT STAFF CONCLUSIONS:

Staff deems the application sufficient and in compliance with the minimum requirements of the Sunter County Land Development Code and Comprehensive Plan and recommends approval.

Notices Sent: 11 (In objection) 0 (In favor) 0

Zoning & Adjustment Board Recommendation: Approval (10-0)




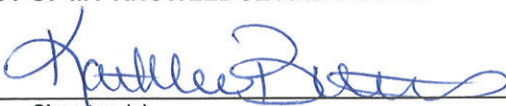


JMTER COUNTY
ZONING AND ADJUSTMENT BOARD

910 N. Main Street, Suite 301, Bushnell, FL 33513
Tel. (352) 793-0270 Fax (352) 793-0274

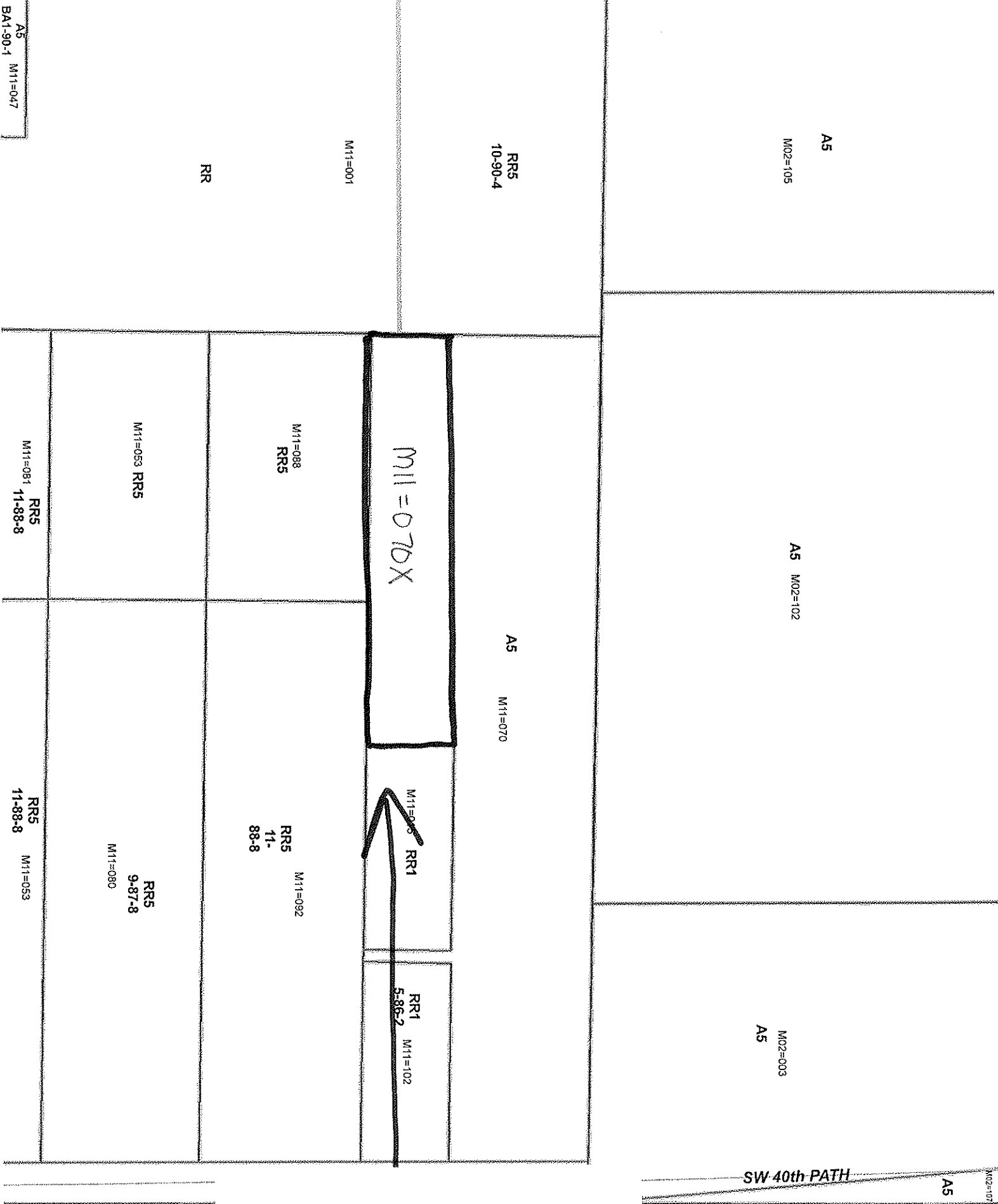
Project No: R2009-0018

Application: 8/24/2009 KES

REZONING

PROJECT TYPE REZONING		PROJECT SUBTYPE Residential		PROJECT DESCRIPTION REZONE 2 ACRES MOL FROM A5 TO RR1C	
OWNER BUTTON, DANIEL J & KATHLEEN R		ADDRESS 4231 CR 316, BUSHNELL, FL 33513		PHONE (352) 457-9032	
PARCEL # M11=070X	SEC/TWP/RNG 11 21 21	GENERAL Bushnell	DIRECTIONS TO PROPERTY W ON C-48. N ON CR 317. W ON PRIVATE DR APPRX 4/10 MILE N OF CR 317B.		
Property Address					
PARCEL SIZE 2 ACRES MOL		F.L.U. AG	LEGAL DESCRIPTION That portion of the NE 1/4 of the NE 1/4 of Section 11, Township 21 South, Range 21 East, Sumter County, Florida, described as follows: Commence at the Northeast corner. of said Section 11, thence run S00°33'09"E along the East line of said NE 1/4 of NE 1/4, a distance of 330.16 feet, thence N89°40'25"W 686.00 feet to the POINT OF BEGINNING of this description, from said point continue N89°40'25"W 662.86 feet to a found (unnumbered) 5/8" rebar at the Southwest corner of lands described in Official Records Book 43't, Page 313, Public Records of Sumter County, Florida, thence run N00°45'08"W along the monumented West line of said lands, a distance of 135.00 feet, thence S89°40'25"W 663.33 feet, thence S00°33'09"E 135.00 feet to the POINT OF BEGINNING; TOGETHER WITH an easement for ingress, egress and utilities over and across the following described property: Commence at the Northeast corner of the said Section 11, thence run S00°33'49"E along the East line of the NE 1/4 of the NE 1/4 of said Section 11, a distance of 180.16 feet to the POINT OF BEGINNING of this easement description, from said point continue S00°33'09"E along said line, a distance of 30.00 feet, thence N89°40'25"W 686.00 feet, thence N00°33'09"W 30.00 feet, thence S89°40'25"E 686.00 feet to the POINT OF BEGINNING; LESS the East 40.00 feet thereof, for right-of-way for County Road No. 317. 8/4/09 B 2103 P 605		
PRESENT ZONING NON COMPLIANT A5		PRESENT USE VACANT			
REQUESTED REZONING REZONE 2 ACRES MOL FROM A NON-COMPLIANT A5 TO RR1C TO COMPLETE A LINEAL TRANSFER		REZONED ACREAGE 2 ACRES MOL		REZONED LEGAL DESCRIPTION SAME AS ABOVE	
ABUTTING PROPERTY ZONING/USE F.L.U.	NORTH A5-MH AG	EAST RR1-RES AG	SOUTH RR5-MH AG	WEST A5-MH AG	
<p>As owner/agent, I agree to post the hearing plaques within 24 hours on the property's road frontage at the corners and at 300' intervals between. I understand any action on my application will be governed by Sumter County's Comprehensive Plan and Development Code, and my payment of the non-refundable application fee will not influence the decision made on this application.</p>					
<p>UNDER PENALTIES OF PERJURY, I DECLARE THE ABOVE INFORMATION THAT I HAVE GIVEN TO BE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.</p>					
 Signature(s)				 Date August 24, 2009	
<p>A Public Hearing before the Zoning and Adjustment Board will be held on the date indicated below in the Sumter County Courthouse, Bushnell, FL. This application will be heard at the time indicated below. Your appearance or representation at this hearing is required, and lack of same will cause your application to be disposed of according to the policy adopted by the Board of County Commissioners. The recommendation of the Zoning and Adjustment Board on this request will be presented to the Board of County Commissioners at a Public Hearing to be held at the date/time indicated below in the Sumter County Courthouse, Bushnell, FL, room number indicated below.</p>					
Zoning and Adjustment Board		9/21/2009 6:30 PM	Room: 142	Action: _____	
County Commission Meeting		10/13/2009 5:30 PM	Room: 142	Action: _____	
NOTICES SENT	11	RECEIVED IN FAVOR		RECEIVED OBJECTING	

A5
BA1-90-1 M11=047



R2009-0018
Button, Daniel & Kathleen
Sec. 11, Twp. 21S, Rng. 21E

TWP.20S-RNG.21E



TWP.21S-RNG.21E

18.50 Rec
000001

20.50

SUMTER COUNTY, FLORIDA
CLERK OF CIRCUIT COURT
09/18/2009 03:16:40PM
DEED

PAGE 1 OF 2
B-2117 P-671

2009 26268

This Instrument Prepared by:
Randall N. Thornton, Attorney
P. O. Box 58
Lake Panasoffkee, Fla 33538



This document was prepared on information furnished by Grantor. No examination of title was requested by Grantee and no title examination has been made on the subject property. The preparer does not warrant the correctness of the legal description.

WARRANTY DEED

THIS DEED, made on September 17 2009, between ROBERT F. BATEMAN and KATHLEEN BATEMAN, his wife, whose address is 5026 CR 317 Bushnell, Fl 33513, (Grantor)

and
R- DANIEL J. BUTTON and KATHLEEN R. BUTTON, his wife, whose address is 4231 CR 316 Bushnell, Fl 33513, (Grantee).

WITNESSETH, that Grantors, for and in consideration of LOVE AND AFFECTION, and other good and valuable consideration to Grantors in hand paid by Grantees, the receipt of which is acknowledged, conveys to Grantees and Grantees heirs, executors, administrators and assigns forever the following described land situated in Sumter County, Florida, tax parcel # M11-070:

AS PER LEGAL DESCRIPTION ATTACHED.

GRANTORS ARE THE GRANDPARENTS OF GRANTEE.

"This conveyance creates a family exemption parcel which is subject to all regulations and restrictions as set forth in Section 13-308(a)(1) of the Sumter County Code."

THIS IS A CORRECTED DEED WHICH IS EXECUTED AND RECORDED TO CORRECT THE LEGAL DESCRIPTION CONTAINED IN THE DEED RECORDED IN OR BOOK 2103, PAGE 604 PUBLIC RECORDS OF SUMTER COUNTY, FLORIDA.

Subject to restrictions, reservations, easements and limitations of record, if any, provided that this shall not serve to reimpose same, zoning ordinances, and taxes for the current year and subsequent years.

Said grantor does hereby fully warrant the title to said land, and will defend that same against the lawful claims of all persons whomsoever.

In Witness Whereof, Grantors have hereunto set grantors hand and seal the day and year first above written.

Signed, sealed and delivered in our presence.
Witnesses:

Sign: Daphne L. Simmons
Print: Daphne L. Simmons
Sign: Richard Allen
Print: Richard Allen

Robert F. Bateman
ROBERT F. BATEMAN

her mark per Kathy Steele
KATHLEEN BATEMAN

STATE OF FLORIDA
COUNTY OF SUMTER

The foregoing instrument was acknowledged before me on the 17th day of September, 2009, by ROBERT F. BATEMAN individually and as attorney in fact for KATHLEEN BATEMAN.



Katherine E. Steele
Notary Public, State of FL

Personally known ☒ Kathleen Bateman My Commission Expires: 6/2/11
Type of Identification ☒ Produced Identification
A DEK LLC - Robert Bateman

2009 26268



DESCRIPTION:

That portion of the NE 1/4 of the NE 1/4 of Section 11, Township 21 South, Range 21 East, Sumter County, Florida, described as follows: Commence at the Northeast corner of said Section 11, thence run S00°33'09"E along the East line of said NE 1/4 of NE 1/4, a distance of 330.16 feet, thence N89°40'25"W 686.00 feet to the POINT OF BEGINNING of this description, from said point continue N89°40'25"W 662.86 feet to a found (unnumbered) 5/8" rebar at the Southwest corner of lands described in Official Records Book 431, Page 313, Public Records of Sumter County, Florida, thence run N00°45'08"W along the monumented West line of said lands, a distance of 135.00 feet, thence S89°40'25"E 663.33 feet, thence S00°33'09"E 135.00 feet to the POINT OF BEGINNING; TOGETHER WITH an easement for ingress, egress and utilities over and across the following described property: Commence at the Northeast corner of the said Section 11, thence run S00°33'09"E along the East line of the NE 1/4 of the NE 1/4 of said Section 11, a distance of 180.16 feet to the POINT OF BEGINNING of this easement description, from said point continue S00°33'09"E along said line, a distance of 50.00 feet, thence N89°40'25"W 686.00 feet, thence N00°33'09"W 50.00 feet, thence S89°40'25"E 686.00 feet to the POINT OF BEGINNING; LESS the East 40.00 feet thereof, for right-of-way for County Road No. 317.